

REMARKS

This paper is in response to the office action mailed May 9, 2003 in the above-referenced application. Applicants herewith petition for a two-month extension of time in which to file this response. The extended period of response thereby being set to expire October 9, 2003.

Claims 20-39 are pending in the application and stand rejected. Applicants respectfully request reconsideration of the application in view of the following remarks.

Rejections Based Upon the Prior Art

Claims 20-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Enhsson, WO 92/03803 in view of Van Der Voort WO 00/07150. Applicants traverse the rejection.

As an initial matter, Applicants assert Van Der Voort does not qualify as prior art against the instant application under 35 U.S.C. § 102(a), 102(b) or 102(e) and therefore is not available as a reference under 3 U.S.C. § 103(a). Should such become necessary, applicants will submit a declaration establishing conception in the United States at least as early as 10 February 2000.

Generally stated, claims 20-39 are distinguishable from the prior art and particularly from Enhsson and Van Der Voort because none of the cited references teach the step of or structure for determining cognitive load of a vehicle driver in order for prioritizing vehicle information and selectively informing the operator of the vehicle information. The examiner has reiterated her contentions vis-à-vis the teachings of Enhsson, and applicants reiterate the arguments presented in their January 22, 2003 response and assert that Enhsson fails to teach or suggest the presently claimed invention.

The examiner asserts that Enhsson discloses all that is claimed except for "prioritizing vehicle information based upon the operator cognitive load for selectively informing the operator of the vehicle information." To meet this deficiency, the examiner cites Van Der Voort as teaching this limitation of the claim. Without admitting Enhsson meets the other limitations of the claims, applicants submit Van Der Voort does not teach estimation of the driver's cognitive load, and responsive to this estimate, prioritizing information for selectively presenting the same to the driver.

The Van Der Voort reference is directed to a system and method to encourage a driver to operate a motor vehicle in an efficient manner via appropriate stimulation and to discourage undesirable or unacceptable, in the view of the system provider, driving behavior. The system therefore measures a deviation between the driver's actual style and a normative driving style based upon various factors. The signal or stimulation provided is not something indicating the driver is doing something wrong, instead it is a signal to indicate how to drive more efficiently. Page 2, line 30-page 3, line 20. The factors considered include "vehicle speed, the transmission ratio (gear position), the braking force being exerted upon braking of the vehicle, the acceleration or deceleration of the vehicle, the gas pedal position, the steering wheel position, the angular speed of the steering wheel, the bends which the vehicle takes, the use or non-use of the clutch, the engine speed and the fuel consumption of the vehicle." Page 3, line 32-page 4, line 7. Ambient factors considered may include "gradient of the road on which the vehicle is driving, the allowed maximum vehicle speed with a vehicle ahead, the position of the motor vehicle and the direction of movement of the motor vehicle." Page 4, lines 9-15.

Nowhere does Van Der Voort disclose, teach or suggest determining the driver's cognitive load. Instead Van Der Voort, much like Enhsson, teaches measuring the vehicle and/or the environment to compare operation of the vehicle within the environment to

determine if efficient driving is being achieved. Moreover, neither Enhsson nor Van Der Voort teach or suggest that the presentation of information may be managed in view of driver cognitive load and operating situation. The process described by the claims considers the additional cognitive load that would be placed on the driver from additional tasks elicited from new operating situations and determines the urgency of new information, urgency of new tasks suggested by new information, prioritizes that information, and selectively provides that information to the driver. The cited references in no way teach or suggest this.

For at least these reasons it is believed claims 20-39 are allowable and such action is respectfully requested.

The examiner is encouraged to contact the applicants' undersigned attorney with any questions regarding this response or the application as a whole. The commissioner is authorized to charge any deficiency in the amount enclosed or any additional fees which may be required, except the issue fee, to maintain the pendency of this application to Deposit Account No. 13-2855.

Respectfully submitted,

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